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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,771	02/14/2001	Bryant E. Bigbee	P10925	2270
50890 7590 05/17/2007 CAVEN & AGHEVLI c/o INTELLEVATE P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER MOLL, JESSE R	
			ART UNIT 2181	PAPER NUMBER
			MAIL DATE 05/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/783,771

Applicant(s)

BIGBEE ET AL.

Examiner

Jesse R. Moll

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-10,12-15,17-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-10,12-15,17-19 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 10, 12-15, 19, 21, and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Juffa (U.S. Patent No. 6,247,117) (hereafter referred to as Juffa'117).

Referring to claim 1, Juffa'117 discloses, as claimed, a method comprising: writing an initial value (CF value before it is replaced by DM value under such as FSCALCHK, and FSIINCHK, see Fig. 9) to at least one address within a memory image (262, Architectural Flags Register, see Fig. 6B) residing in dynamic random access memory (note the Architectural Flags Register 262 inside the Flags Register 230 are best reasonably and broadly interpreted as a dynamic random access memory since it can be dynamically and randomly accessed), said memory image being generated as a result of performing a state save operation (such as the operations by executing instructions FCOMI, FCOMIP, FUCOM, and FUCOMIP, see Col. 19, lines 56-

60, regarding setting (or generating) the one or more flags of architectural flags registers.); adjusting a control value for a control register (262, Flags register, see Fig. 6B) as a function of said control register mask (such as DM (denormal maskbit) in control register 270, see Fig. 7A) to generate a masked control value (DM value for CF under such as FSCALCHK, and FSIINCHK, see Fig. 9); storing (through the numerous checking instruction to set a flag, see Col. 21, lines 11-14) said masked control value (DM value for CF under such as FSCALCHK, and FSIINCHK, see Fig. 9) into the control register (262, Flags register, see Fig. 6B).

Referring to claim 10, Juffa'117 discloses, as claimed, a machine-readable medium (in the main memory or instruction cache 16, see Fig. 3) having stored thereon a set of instructions said set of instructions, which when executed by a processor, cause said processor to perform a method comprising: writing an initial value (CF value before it is replaced by DM value under such as FSCALCHK, and FSIINCHK, see Fig. 9) to at least one address within a memory image (262, Flags register, see Fig. 6B) residing in dynamic random access memory (note the Architectural Flags Register 262 inside the Flags Register 230 are best reasonably and broadly interpreted as a dynamic random access memory since it can be dynamically and randomly accessed); said memory image being generated as a result of performing a state save operation (such as the operations by executing instructions FCOMI, FCOMIP, FUCOM, and FUCOMIP, see Col. 19, lines 56-60, regarding setting (or generating) the one or more flags of architectural flags registers); adjusting a control value for a control register (262, Flags register, see Fig. 6B) as a function of said control register mask (such as DM (denormal

Art Unit: 2181

maskbit) in control register 270, see Fig. 7A) to generate a masked control value (DM value under such as FSCALCHK, and FSIINCHK, see Fig. 9); storing (through the numerous checking instruction, see Col. 21, lines 11-14) said masked control value (DM value under such as FSCALCHK, and FSIINCHK, see Fig. 9) into the control register (262, Flags register, see Fig. 6B).

Referring to claim 19, Juffa'117 discloses, as claimed, an apparatus comprising: a control register (262, Flags register, see Fig. 6B) comprising a plurality of bits (such as CF, PF, and ZF bits in Fig. 6B) corresponding to a plurality of functions (note such as: CF is for carry flag; PF is for parity flag; and ZF is for zero flag. Each one provides a specific function, see also Col. 19, lines 25-33); a masking mechanism (the mechanism inherently existing in the Juffa'117's system for setting such as CF, PF, and ZF values in Fig. 9) to generate a control register mask by setting inactive one or more bits (see Fig. 9, last column, CF, PF, and ZF are set inactive by "0") of a control value prior to storage of said one or more bits in the control register (see such as 2nd column in Fig. 9), wherein the masking mechanism (the mechanism certainly existing in the Juffa'117's system for setting such as CF, PF, and ZF values in Fig. 9) includes a mask storage area (control register 270, see Fig. 7A) within dynamic random access memory (note control register 270, see Fig. 7A, is best reasonably and broadly interpreted as a dynamic random access memory since it can be dynamically and randomly accessed) to store state information (such as IM, DM (denormal maskbit), ZM, OM, UM, or PM see Fig. 7A) corresponding to state information stored in the control register, said mask storage area having been generated as a result of performing a state save operation

(similar to the operations by executing instructions FCOMI, FCOMIP, FUCOM, or FUCOMIP, see Col. 19, lines 56-60, regarding signaling register file 30 to set (or generate) the one or more flags of architectural flags registers, the control register 270 (interpreted as mask storage area) certainly must be set or generated during the state save operations in the Juffa'117's system).

As to claims 3 and 12, Juffa'117 also discloses: further comprises executing a state save operation (as set forth in claim 10, such as the operations by executing instructions FCOMI, FCOMIP, FUCOM, and FUCOMIP, see Col. 19, lines 56-60, regarding setting (or generating) the one or more flags of architectural flags registers).

As to claims 4 and 13, Juffa'117 also discloses: further comprises comparing a saved value (DM value under such as FSCALCHK, and FSIINCHK, see Fig. 9) to said initial value (CF value before it is replaced by the DM value under such as FSCALCHK, and FSIINCHK, see Fig. 9), said saved value (DM value under such as FSCALCHK, and FSIINCHK, see Fig. 9) being stored within said memory image as a result of said execution of said state save operation (as set forth, inherent step in the Juffa'117's system).

As to claims 5 and 14, Juffa'117 also discloses: said control register mask (such as DM (denormal maskbit) in control register 270, see Fig. 7A) is set to a default value ("0", see Fig. 9) if said saved value is equal to said initial value ("0", see last column in Fig. 9).

As to claims 6 and 15, Juffa'117 also discloses: said control register mask (such as DM (denormal maskbit) in control register 270, see Fig. 7A) being set to said saved

Art Unit: 2181

value if said saved value is not equal to said initial value (note CF value is replaced by the DM value under such as FSCALCHK, and FSIINCHK, see Fig. 9).

As to claims 21, Juffa'117 also discloses: said mask storage area (control register 270, see Fig. 7A) may be accessed by performing a state saving operation which saves said mask value (such as IM, DM (denormal maskbit), ZM, OM, UM, or PM see Fig. 7A) to a memory location (see Fig. 9, DM is stored in 7th column).

As to claims 23, Juffa'117 also discloses: said masking mechanism is a hardware masking mechanism (the hardware mechanism certainly existing in the Juffa'117's system for setting such as CF, PF, and ZF values in Fig. 9).

As to claims 24, Juffa'117 also discloses: said masking mechanism comprises: a sequence of instruction (saved in the main memory or cache memory of the processor 10, see Fig. 3) to adjust a control value by saving state Information including a control register value to a memory and adjusting said control register value based on a readable mask value read from the processor before restoring the state information; execution hardware to execute the sequence of instructions (see described as set forth in claim 1 above).

Referring to claim 25, Juffa'117 discloses, as claimed, a processor (processor 10, see Fig. 3) comprising: a decode unit (such as decode unit 24A, or 20B, or 20C, see Fig. 3); at least one of a plurality of registers (such as 270, control Register, see Fig. 7A, in register file 30, se Fig. 3, see also Column 20, line 6-7), said at least one of a plurality of registers comprising a plurality of bits (such as IM, DM, ZM, OM, UM, and PM bits in Fig. 7A) corresponding to a plurality of functions (note IM, DM, ZM, OM, UM, and PM

bits in Fig. 7A each one provides a specific function, see also Col. 19, lines 65 to Column 20, lines 1-7); a masking mechanism (the mechanism inherently existing in the Juffa'117's system for setting such as CF, PF, and ZF values in Fig. 9) to generate a control register mask by setting inactive one or more bits (see Fig. 9, last column, CF, PF, and ZF are set inactive by "0") of a control value prior to storage of said one or more bits in the control register (see such as 2nd column in Fig. 9), wherein the masking mechanism includes a mask storage area (control register 270, see Fig. 7A) within dynamic random access memory (note control register 270, see Fig. 7A, is best reasonably and broadly interpreted as a dynamic random access memory since it can be dynamically and randomly accessed) to store state information (such as IM, DM (denormal maskbit), ZM, OM, UM, or PM see Fig. 7A) corresponding to state information stored in the at least one of the plurality of register, said mask storage area having been generated as a result of performing an instruction (similar to the instructions FCOMI, FCOMIP, FUCOM, or FUCOMIP, see Col. 19, lines 56-60, regarding signaling register file 30 to set (or generate) the one or more flags of architectural flags registers, the control register 270 (interpreted as mask storage area) certainly must be set or generated during the state save operations in the Juffa'117's system); an execution unit (such as Function units 24A, 24B, and 24C); an internal bus (38, see Fig. 3), said decoder unit (such as decode unit 24A, or 20B, or 20C, see Fig. 3, said at least one plurality of registers (such as 270, control Register, see Fig. 7A, in register file 30, se Fig. 3, see also Column 20, line 6-7), said at least one execution unit

Art Unit: 2181

(such as Function units 24A, 24B, and 24C being coupled by said internal bus (38, see Fig. 3).

As to claims 26, Juffa'117 also discloses: in response to said execution unit (such as Function units 24A, 24B, and 24C) executing an instruction, said plurality of bits (such as DM value under such as FSCALCHK, and FSIINCHK, see Fig. 9) are written to the mask storage area (262, Flags register, see Fig. 6B and see DM and IM in Fig. 9).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 17, 18, 22, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juffa (U.S. Patent No. 6,247,117) (hereafter referred to as Juffa'117) in view of common knowledge in the art.

Juffa'117 discloses the claimed invention except for: explicitly defining the state saving operation is an FXSAVE instruction (claims 8, 17, 22 and 27); the at least one of a plurality of registers is an MXCSR register (claim 28); and the mask storage area is an MXCSR MASK field (claim 29).

Examiner asserts that the FXSAVE instruction and the MXCSR register and the MXCR MASK field are commonly known in the art of instruction processing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Juffa'117's by using an FXSAVE instruction with an associated address, a MXCSR register and a MXCSR_MASK as said mask storage area, as commonly known in the art, in order to conform to a common instruction set (x86) to increase ease of writing software compatible with the processor.

Note as to claims 8 and 17, a save instruction having an associated target address is certainly existing in a save operation for a saved destination in the Juffa'117's system.

As to claims 9 and 18, Juffa'117 also discloses: the target address being an address within the memory image (262, Architectural Flags Register, see Fig. 6B).

Response to Arguments

5. Applicant's arguments filed 24 October 2006 have been fully considered but they are not deemed to be persuasive.

Applicants argue that “Juffa, on the other hand, does not teach a memory image or mask storage area as claimed by applicant nor a memory image or mask storage area that is generated by the performance of a save state operation or any other operation” (page 9, lines 3-6). Examiner disagrees with Applicants. As set forth in the art rejections above, Juffa'117 discloses: a memory image (262,

Architectural Flags Register, see Fig. 6B) residing in dynamic random access memory (note the Architectural Flags Register 262 inside the Flags Register 230 are best reasonably and broadly interpreted as a dynamic random access memory since it can be dynamically and randomly accessed), said memory image being generated as a result of performing a state save operation (such as the operations by executing instructions FCOMI, FCOMIP, FUCOM, and FUCOMIP, see Col. 19, lines 56-60, regarding setting (or generating) the one or more flags of architectural flags registers).

6. More specifically, the term “memory image” is broadly and reasonably considered to include any representation (image) stored in memory. While the claims are read in light of the specification, limitations are not read from the specification. While the specification gives an example of a “memory image” (paragraphs 29-32), specific details on creating the memory image (or even what said memory image entails) are not present in the claims. The creation of flags in the flag register falls under the limitation “said memory image being generated”. Flags are a representation of certain states in a processor and are considered to constitute an image. Additionally, flags are updated after every instruction, including a save state operation. Regarding the lack of a mask storage area. The control register 270 (see fig. 7a) contains a storage area for a mask bit (DM). The claims recite minimal details limiting the mask.

7. Applicant's arguments with respect to the rejection under 35 USC 112 second paragraph and 35 USC 101 have been fully considered and are persuasive. The rejection of claims 1, 3-6, 8, 9, 14, 15, 17 and 18 has been withdrawn.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse R. Moll whose telephone number is (571)272-2703. The examiner can normally be reached on M-F 10:00 am - 6:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A. Sparks can be reached on (571)272-4201. The fax phone

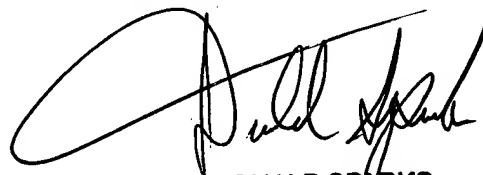
Art Unit: 2181

number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jesse R Moll
Examiner
Art Unit 2181

JM 5/7/2007

A handwritten signature in black ink, appearing to read 'Donald Sparks', is written over a large, stylized, looping initial or mark.

DONALD SPARKS
SUPERVISORY PATENT EXAMINER